



City of Diamondhead

5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222.4626

FAX: (228) 222-4390

www.diamondhead.ms.gov

TO: Mayor, City Council and City Manager

FROM: Ronald Jones, Building Official *Ronald*

DATE: November 21, 2014

SUBJECT: Urgent Care Wall Sign Variance- Case Number 201400256

The Diamondhead Urgent Care represented by James Embry has filed an application requesting a variance from the Sign Ordinance to exceed the maximum copy area of a wall sign. Based on the information provided, the maximum copy area allowed for a wall sign is 41.43 sf. The proposed copy area of the wall sign is 65.87 sf. Therefore, the applicant is requesting a variance to exceed the maximum copy area by 24.44 sf. The property address is 4402 East Aloha Drive Suites 15 & 16. The tax parcel number is 131E-1-13-007.000. The property is located north of and adjacent to East Aloha Drive and east of and adjacent to Kalani Drive.

On November 19, 2014, the Planning and Zoning Commission held a public hearing on the above referenced petition. The Commission approved the variance application as petitioned. A copy of the application and supporting documents and a draft copy of the minutes are attached for your review.

attachments

City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525



Office 228-222-4626
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APPLICATION FOR VARIANCE REQUEST



CASE NO. 2014 00256

DATE 10/21/14

APPLICANT: Diamondhead Urgent Care

APPLICANT'S ADDRESS: 4402 E. Alton Dr. Suite 16

APPLICANT'S TELEPHONE: (HOME) 337-344-4442 (WORK) 228-364-9001

PROPERTY OWNER: James Embry

MAILING ADDRESS: Same

TELEPHONE NUMBER: (HOME) Same (WORK) 228-424-3467 Frank

TAX ROLL PARCEL NUMBER: 131E-1-13-007.000

STREET ADDRESS OR LEGAL DESCRIPTION OF PROPERTY: Same

Alton Suites-

STATE PURPOSE OF VARIANCE: (FRONT/SIDE/REAR/LOT SIZE/PARKING/BUILDING

COVERAGE) (SIGNAGE - SIZE - HEIGHT) Signage - Etl Sq. Ft 62 sq ft -

Length 29 ft - 20 inch High -

ZONING DISTRICT C-1

James Embry FNP@gmail.com

Frank - 228-
424-
3467

Show
Signs / Amaze Signs

Company Contact
Number

REQUIRED ITEMS:

- A. A statement describing the variance request and the reasons why it complies with the criteria for variances provided in Section 2.6.5, specifically...
THE CONDITIONS FOR GRANTING A VARIANCE:
 - 1. DO THE SPECIAL CONDITIONS AND/OR CIRCUMSTANCES EXIST WHICH AFFECT ONLY THE LAND OR STRUCTURE IN QUESTION AND NO OTHER SURROUNDING OR SIMILAR PROPERTIES?
 - 2. WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?
 - 3. ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?
 - 4. WOULD THE REQUESTED VARIANCE NOT GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT SHARED BY OWNERS OF SIMILAR PROPERTIES?
- B. The property address and the name and mailing address of the owner of each lot within 300 feet of the subject property and a map with parcels keyed to the ownership and address data.
- C. Site plans, preliminary building elevation, preliminary improvement plans, or other maps or drawings, sufficiently dimensioned as required to illustrate the following, to the extent related to the variance application:
 - i. Existing and proposed location and arrangement of uses on the site, and on abutting sites within 100 feet.
 - ii. Existing and proposed site improvements, buildings, and other structures on the site, and any off-site improvements related to or necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale, and architectural character.
 - iii. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.
 - iv. Existing and proposed parking, loading, and traffic and pedestrian circulation features, both on the site and any off-site facilities or improvement related to or necessitated by the proposed use.
 - v. The Zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and determination as to whether the circumstances prescribed for the granting of a variance exist.
 - vi. A fee established by the City Council shall accompany the application. A single application may include request for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent parcels with similar characteristics.
- D. Payment of fee for Variance Request: \$500.00 as per Ordinance 2012-020

STATEMENT OF UNDERSTANDING

As the applicant or owner/s for the requested Variance in the City of Diamondhead, I (we) understand the following:

The application fee of \$500.00 must be paid prior to the acceptance of the application. Further, that if the application is withdrawn for any reason that the application fee is forfeited to the City of Diamondhead.

As the applicant or owner/s, I (we), or the designated representative, must be present at the public hearing.

That all information provided with this application is true and correct to the best of my knowledge.

That this application represents only property owned by me (us) and that any other adjoining property owners must apply for a Variance on his own behalf.

That all required attachments have been provided to the City of Diamondhead.

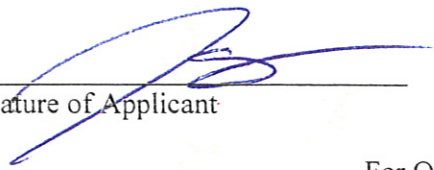
That additional information may be required by the Planning Commission prior to final disposition.

The City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

The Public Hearing will be held on Tuesday Nov 25, 2014 at 5:30 p.m. in the Council Chambers of the Diamondhead City Hall.

If a continuance of the hearing is necessary at my (our) request, the request must be made to the Zoning Official a minimum of seven (7) days prior to the hearing. If such request is not made in writing, I understand that a new application must be filed and an application fee paid to the City.

If the application is denied by the City Council, a new application for the subject property may not be submitted for one (1) year from the date of denial.



Signature of Applicant

Signature of Property Owner

For Official Use Only

- ☒ \$500.00
- ☐ Copy of Deed, Lease or Contract
- ☒ Site Plan
- ☐ Parking Spaces
- ☒ List of Property Owners

- ☒ Application Signed
- ☒ Written Project Description
- ☐ Drainage Plan NA ☒
- ☐ Notarized Statement NA ☒

Diamondhead Urgent Care

Sign Variance

A.

1. The area now being leased is double the square footage of original lease; other sites only have or are using 20 square feet. Site 2 am leasing is considerably larger. Including a road space between each unit. Sign currently made fits well within borders of total leased area - like delko tree and Goodies -

2. No - see above statement well within leased area of site 15 & 16 - 40 ft by

3. Yes - Sign was already made By Frank with Amazy Signs - 228-424-3467.

Any questions Referring to the Sign he can answer

4. No other Properties apparently had to complete a variance as well.

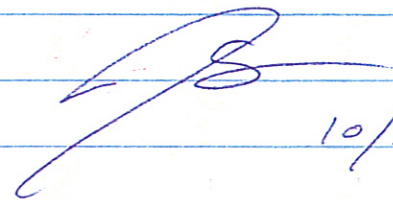
Thank You very much -

James Aubrey

337-344-4492 - cell

228 364-9001 office

228 364-9001 - fax



10/21/14

Frank - 228-424-3467

Shawn Signs/Amazy
Signs

Contact for company

Receptionist

From: Signs <shawsigns@cableone.net>
Sent: Friday, September 26, 2014 8:19 AM
To: Receptionist
Subject: Urgent Care Sign Permit Application and Documents





MINUTES

PLANNING AND ZONING COMMISSION
Diamondhead, Mississippi
Diamondhead City Hall Council Chambers
November 19, 2014
5:30 p.m. CST

1. Meeting was called to order by Chairman Norm Parker at 5:30 p.m. CST.
2. Commissioner Hensley recited the State of Purpose.
3. Pledge of Allegiance was led by Commissioner Bice.
4. Chairman Parker called roll- Present: Commissioners Bice, Garrison, Hensley, Parker, Malley, and Miller. Absent: Commissioner Smith.
Also present: City Manager Clovis Reed, Building Official Ronald Jones, City Attorney Derek Cusic, and Minutes Clerk Jeannie Klein.

5. **Approve Minutes.** - Commissioner Malley moved, seconded by Commissioner Garrison, to approve the Minutes of June 24, 2014 as presented.

Ayes: Garrison, Hensley, Parker, Miller and Malley. Nays: None. Absent: Smith.

MOTION CARRIED UNANIMOUSLY

6. **Confirmation of the Agenda** – No adjustments presented.
7. **New Business-**

Case Number 201400256. The Diamondhead Urgent Care represented by James Embry has filed an application requesting a variance from the Sign Ordinance to exceed the maximum copy area of a wall sign. Based on the information provided, the maximum copy area allowed for a wall sign is 41.43 sf. The proposed copy area of the wall sign is 65.87 sf. Therefore, the applicant is requesting a variance to exceed the maximum copy area by 24.44 sf. The property address is 4402 East Aloha Drive Suites 15 & 16. The tax parcel is 131E-1-13-007-000. The property located north of and adjacent to East Aloha Drive and east of and adjacent to Kalani Drive

Case Number 201400256 was introduced by the Chairman for discussion. Commissioner Malley stated for the record the he would recuse himself from any discussion and action involving the case, given he is the general contractor for renovations for the applicant. Commissioner Garrison questioned the legibility of the application and the applicant's failure to respond to electronic communication from Building Official Jones regarding such. Applicant James Embry and William Holmes, contractor for the signage, appeared before the Commission to participate in the discussion. Discussions continued with questions from Commissioner Garrison as to how the copy area was calculated absent proposed dimensions, how Mr. Holmes determined the

placement of the signage and finally the details of installation method. Building Official Jones stated for the record he was confident with his calculations of the proposed 65.87 sf. copy area and had no objections with the variance as requested and presented. Commissioner Miller questioned the installation method and signage construction in addition to confirmation of placement as to avoid encroachment upon neighboring businesses. Commission Miller stated in his opinion the proposed signage to be aesthetically pleasing and properly sized for the facility. Commissioner Hensley confirmed with the contractor the proposed signage and measurements will appear as presented in the photographs provided.

Chairman Parker called for public comments on the matter. Regina Parker requested to view the photographs giving her approval. Eric Quibodeaux questioned Commissioner Garrison about his dislike with the process.

With no further comments presented, Commission Garrison moved to table Case Number 201400256 Sign Variance application of The Diamondhead Urgent Care represented by James Embry based on insufficient information. Chairman Parker called for a second.

MOTION DIED FOR LACK OF SECOND

Commission Miller moved, seconded by Commission Bice, to grant a variance of the Sign Ordinance in the matter of Case Number 201400256 - The Diamondhead Urgent Care represented by James Embry to exceed the maximum copy area of a wall sign by 24.44 sf. with proposed signage copy area of 65.87 sf. The property address is 4402 East Aloha Drive Suites 15 & 16. The tax parcel is 131E-1-13-007-000. The property located north of and adjacent to East Aloha Drive and east of and adjacent to Kalani Drive

Ayes: Bice, Hensley, Smith, Parker, and Miller. Nays: Garrison. Absent: Smith.
Recused: Malley

MOTION CARRIED

8. Unfinished Business – None

- 9. Open Public Comments to Non-Agenda Items** – A group residents came forward to address the Commission with concerns of a rumored re-zoning request on Noma Drive for an apartment complex development. Each expressing opposition to such development, the residents of the Oaks Subdivision asked for assurance from the Commission that proper notification would be provided prior to approval of such request. Building Official Jones outlined the rezoning process. The residents addressing the Commission were as follows;

Reid Parker

Louis Fuchs

Regina Parker

Bob Harko

Eric Quibodeaux

Neil Mayor

10. Commissioner's Comments – None

11. Communications / Announcements –

SET DATES MEETING DATES, APPLICATION AND AGENDA DEADLINES FOR 2015 MEETINGS OF THE PLANNING AND ZONING COMMISSION.

Commissioner Miller moved, seconded by Commission Hensley, to approve as follows the 2015 Planning and Zoning schedule of meeting dates and application and agenda deadlines:

ALL MEETINGS BEGIN AT 5:30 P.M. CST

MEETING DATE	*APPLICATION DEADLINE	**AGENDA DEADLINE
January 27, 2015	December 19, 2014	January 13, 2015
February 24, 2015	January 16, 2015	February 10, 2015
March 24, 2015	February 17, 2015	March 10, 2015
April 28, 2015	March 20, 2015	April 14, 2015
May 26, 2015	April 17, 2015	May 12, 2015
June 23, 2015	May 15, 2015	June 9, 2015
July 28, 2015	June 19, 2015	July 14, 2015
August 25, 2015	July 17, 2015	August 11, 2015
September 22, 2015	August 14, 2015	September 8, 2015
October 27, 2015	September 18, 2015	October 13, 2015
November 18, 2015	October 9, 2015	November 3, 2015
December 16, 2015	November 6, 2015	December 1, 2015

** APPLICATION DEADLINE IS SUBMISSION OF THE COMPLETE APPLICATION TO BE HEARD AT THE FOLLOWING MONTH'S COMMISSION MEETING. DEADLINE FOR SUBMISSION IS 5:00 P.M. CST ON THE DATE SPECIFIED ABOVE.

*DEADLINE FOR AGENDA REQUESTS IS 12 NOON ON THE DATE SPECIFIED ABOVE.

Ayes: Bice, Hensley, Smith, Parker, Miller and Malley. Abstain: Garrison. Absent: Smith.

MOTION CARRIED

- 12. Adjourn** - Commissioner Malley moved, seconded by Commissioner Miller, to adjourn at approximately 6:35 p.m. CST. The motion carried unanimously.

Norman Parker, Chairman
Planning & Zoning
City of Diamondhead, MS